

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 222

July 26, 1999, 6:02 p.m.  
Page S-9209 Temp. Record

## RULE XVI/Passage

**SUBJECT:** A resolution reversing a precedent on Senate Rule XVI . . . S. Res. 160. Passage.

### ACTION: RESOLUTION AGREED TO, 53-45

**SYNOPSIS:** As introduced, S. Res. 160, a resolution reversing a precedent on Senate Rule XVI, will enact the following:  
"Resolved, that the presiding officer of the Senate should apply all precedents of the Senate under Rule XVI in effect at the conclusion of the 103rd Congress."

**Those favoring** final passage contended:

On March 16, 1995, the Senate overruled a ruling of the Chair that a legislative rider to an appropriations bill violated Rule XVI. The decision of the Chair was correct, but we doubt very much that the correctness of the decision was uppermost in many Senators' minds on that day. Instead, most Senators voted based on whether they favored or opposed the substance of the amendment. Most Senators had little idea that their votes would set a precedent that the Parliamentarian would say would totally invalidate the rule against legislating on appropriations bills, and most Senators had little idea that the destruction of that rule would open up a Pandora's box of amendments that would corrode the operations of the Senate.

Since that ruling, legislative items have been attached with increasing frequency to appropriations bills. This practice has caused two major problems. First, it has undermined the committee system for authorizing legislation. That system developed over 200 years because Members found that it resulted in more effective, more meritorious legislation. Committees developed expertise in their particular subject areas, and they held extensive hearings on all proposed legislation within their jurisdictions. Bills did not reach the Senate floor until they had been fully vetted and improved. Now, though, major legislative amendments, and sometimes even entire bills, are proposed as additions to appropriations bills and are typically approved or rejected after only a few minutes of debate. This cavalier method of legislating degrades the value of the bills that we pass. The second major problem with this practice is that it delays the consideration of must-pass appropriations bills. When any of a year's 13 regular appropriations bills is not passed on

(See other side)

YEAS (53)			NAYS (45)			NOT VOTING (2)	
Republicans (51 or 96%)		Democrats (2 or 4%)	Republicans (2 or 4%)	Democrats (43 or 96%)		Republicans (2)	Democrats (0)
Abraham	Hatch	Baucus	Hutchison	Akaka	Kennedy	McCain <sup>-2</sup>	
Allard	Helms	Moynihan	Specter	Bayh	Kerrey	Voinovich <sup>-2</sup>	
Ashcroft	Hutchinson			Biden	Kerry		
Bennett	Inhofe			Bingaman	Kohl		
Bond	Jeffords			Boxer	Landrieu		
Brownback	Kyl			Breaux	Lautenberg		
Bunning	Lott			Bryan	Leahy		
Burns	Lugar			Byrd	Levin		
Campbell	Mack			Cleland	Lieberman		
Chafee	McConnell			Conrad	Lincoln		
Cochran	Murkowski			Daschle	Mikulski		
Collins	Nickles			Dodd	Murray		
Coverdell	Roberts			Dorgan	Reed		
Craig	Roth			Durbin	Reid		
Crapo	Santorum			Edwards	Robb		
DeWine	Sessions			Feingold	Rockefeller		
Domenici	Shelby			Feinstein	Sarbanes		
Enzi	Smith, Bob (I)			Graham	Schumer		
Fitzgerald	Smith, Gordon			Harkin	Torricelli		
Frist	Snowe			Hollings	Wellstone		
Gorton	Stevens			Inouye	Wyden		
Gramm	Thomas			Johnson			
Grams	Thompson						
Grassley	Thurmond						
Gregg	Warner						
Hagel							

**EXPLANATION OF ABSENCE:**  
1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

**SYMBOLS:**  
AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

time, it forces a shutdown of those parts of the Government which are funded by that bill. Every year it is becoming more difficult to get appropriations bills passed on time for a variety of reasons, and the fact that it is now commonplace to have to dispose of a hundred or more legislative amendments per bill is one of the main reasons.

Our Democratic colleagues agree with these points, but they say that they must defend the practice of legislating on appropriations bills because Republicans have been treating them rudely, shutting off their access to the ordinary means for proposing legislation. We have a totally different perception. Democrats make an awful lot of racket for people who are supposedly muzzled. The Senate is in session for much longer hours than it historically has been, it has more recorded votes now than it historically has had in the past, and it has more votes on which there are clear party differences than it has had in the past. A very large percentage of those votes are on amendments and even bills that are offered by Democratic Senators. It is certainly true that Democrats do not get enough time as they wish to talk on legislation that is important to them, and to vote on such legislation, but it is just as true that we Republicans do not get enough time as we wish to debate and vote on our proposals. There just is not enough time. Our colleagues wrongly compare the process now to what we had 200 years ago. Back in horse-and-buggy days the Government was not a huge, cancerous monstrosity that sucked nearly \$2 trillion per year out of the economy to spend. Now, though, it has stretched its tentacles into thousands of areas, passing laws and regulating virtually all aspects of daily life. Passing legislation to add to the mess, as Democrats are wont to attempt, or to control it, as Republicans are more likely to propose, is a very time-consuming task. Making matters worse, it takes a great deal of time to feed the beast that has already been created. The Senate spends fully 70 percent of its time each year considering the budget and the appropriations bills.

There is not much time to consider legislative items, even though the Senate stays in session for longer periods of time, and votes more often, than it did throughout most of its history. Some Senators suggest that we should just work more days and more hours and have even more votes. In response, Members already are working very long hours in their committee work and in their constituent service activities, in addition to their long hours on the Senate floor. Members have Herculean workloads as it is and they are not Olympic athletes. Working them into their graves would not solve the problem. We may need budget process reforms. We may need agreements that will make government shutdowns impossible. There are a lot of possible solutions.

Of course, the amount of time spent on appropriations bills would be greatly reduced if legislative amendments were not offered to them. The Senate would then have much more time to consider legislative bills. Our Democratic colleagues say that they only want to offer legislative amendments to appropriations bills because they do not get enough opportunities to offer them to authorization bills, but they fail to mention an additional attraction--appropriations bills have to be enacted. Adding an amendment to an appropriations bill greatly increases the chances that it will end up being written into law. An authorization bill, on the other hand, is much more likely to end up fading into oblivion after it is passed by the Senate. Democrats say that they want to continue perverting the legislative process because they have been denied the opportunity to have their views heard and voted upon. The record shows that their legislation and their pet issues have been given about the same amount of floor consideration as has been given to Republican-sponsored legislation. It would be reasonable to conclude that Democrats want to continue the current corrupt legislative process because it helps them get their legislative ideas enacted.

Restoring Rule XVI will not be a cure-all. The crushing workload and remaining structural problems will continue to guarantee that the legislative process will be difficult and messy. However, restoring this rule will undoubtedly help in the process of getting appropriations bills through the Senate in a timely manner, without the addition of inappropriate legislative riders. We support both of those results and are therefore pleased to vote in favor of this resolution.

#### **Those opposing passage contended:**

For more than 200 years the Senate has permitted free and unlimited debate. Its structure has been kept deliberately loose, and the powers of individual Senators have been kept so great that any determined Senator has been able to seriously disrupt the ability of the Senate to accomplish anything when he or she has felt strongly enough about an issue to engage in destructive tactics in an effort to get his or her way. Some institutional means of organizing the Senate's operations have developed, in particular the committee system for authorizing legislation, but individual rights to have one's views heard and voted upon have always preserved. In the last several years, though, we Democrats have become increasingly frustrated at the breakdowns that have been occurring in this system. Since Republicans have been in the majority, we Democrats have had a harder time getting our proposals considered. One of the major reasons for this problem is that Republicans have increasingly been using parliamentary procedures to block any amendments from being offered, and in many cases they have been demanding that Democrats agree to offering only a limited number of amendments before a bill will even be brought to the floor. In effect, the Senate is becoming like the House, which has a Rules Committee that carefully controls those items upon which there may or may not be debate and votes. Republicans are operating within the rules, but their behavior is undermining the Senate's unique nature. One of the only avenues we Democrats have left open on which our right to offer amendments is protected is on appropriations bills, which must be considered each year. Until a few years ago, we did not have that right because Rule XVI of the Senate forbids legislation from being attached to appropriations bills. However, Republicans effectively overturned that rule when they voted to override a ruling of the Chair against an environmental legislative "rider" that had been proposed. Under ordinary circumstances, we would support a restoration of Rule XVI, but we are not operating under normal circumstances. Unfortunately, we must oppose this resolution.